IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 36958 of 2007(Y)

PETITIONER:

THE MANAGING PARTNER,
M/S. SHAJEE MOTOR SERVICE, NEAR NEW BUS STAND,
KANNUR, REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER SMT. P.P.SUDHA.

BY ADV. SRI.O.D.SIVADAS

RESPONDENT:

THE REGIONAL TRANSPORT OFFICER,
KANNUR.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 36958 OF 2007 Y

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Dated this the 17th December, 2007

J U D G M E N T

Petitioner claims that his establishment is covered by the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. She would therefore contend that in view of this, she is not liable to pay contribution under the Motor Transport Workers Welfare Fund Act and therefore the insistence of the respondents for clearance certificate issued under the said Act for accepting motor vehicle tax is illegal. If the establishment of the petitioner is covered as contended by her, it is true that she is entitled to the benefit of the exemption clause provided under Section 4(1) of the Act. This position in so far as the petitioner is concerned is seen decided by this Court in Ext. P3 judgment.

2. In view of the above, I dispose of this writ petition directing that the respondent shall accept tax in respect of the vehicle owned

and possessed by the petitioner on the petitioner proving to the satisfaction of the respondents that up to date contribution under the Employees Provident Fund Act has been remitted by her.

ANTONY DOMINIC
JUDGE

jan/-